

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HENRY B. GARNIER,
Petitioner,

v.

MAGGIE MILLER-STOUT,
Respondent.

Case No. C06-5285RBL

ORDER DENYING PETITIONER'S
MOTION FOR AN ADDENDUM TO
THE PETITION

The petitioner in this action is seeking federal habeas corpus relief pursuant to both 28 U.S.C. § 2254 and 28 U.S.C. § 2241. This case has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636 (b) (1) (A) and 636 (b) (1) (B) and Local Magistrates' Rules MJR 3 and MJR 4.

Before the court is petitioner's motion asking the court to allow him to add medical records to his petition. Petitioner claims he wants to enter this medical record "to prove cruel and unusual punishment imposed on his sentence or declaratory decree by the (D.O.C.) department of Corrections that caused his cancer." (Dkt. # 3).

The document attached to the motion is the operation summary for a surgery and does not

1 identify the cause of Mr. Garnier's "Renal Cell Carcinoma.". Thus, at most all the document shows
2 is that plaintiff had a condition called "Renal Cell Carcinoma", and that he received and operation to
3 remove a tumor from his kidney. The motion is **DENIED**.

4 The clerk's Office is directed to send a copy of this order to petitioner and respondents
5 counsel.

6 DATED this 20th, day of July, 2006.

7
8 /S/ J. Kelley Arnold

9 J. Kelley Arnold

10 United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27